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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,362	08/29/2000	Julie J. Bennett	42390P9622	8226

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EXAMINER

WONG, LESLIE

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 10/22/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,362

Applicant(s)

BENNETT ET AL.

Examiner

Leslie Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12,14-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Receipt of Applicant's Amendment, filed 28 July 2003, is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3-12, 14-23 and, 25-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Geller et al.** (U.S. Patent 6,236,990) in view of **Stromberg** (U.S. 2002/0007322).

Regarding claims 1, 12, and 23, **Geller et al.** teaches a method and an apparatus comprising:

- a). creating a plurality of categories, each category identifying an attribute (col. 2, lines 20-23);
- b). associating products having at least one attribute with at least one category (col. 3, lines 37-44 and 51-55); and
- c). **Geller et al.** does not explicitly teach wherein upon selection of a main product by a **user in communication with a visual browser via a computer network**, automatically displaying a **plurality of related products** having at least one attribute in common with the main product that are **selectable for purchase by the user**.

Stromberg, however, teaches electronic product information system that provides similar product information with a listing of pricing information to consumers over the Internet upon selection of the main product to be purchased by the user (§ 0078 and Fig. 4, element 42).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to display a plurality of related products upon the selection of a main product as doing so would offer consumers the opportunity to shop for competitive prices in order to find the best product for their needs.

- d). **Stromberg** further teaches a step wherein a processor and a memory coupled thereto, the memory storing a visual browser (§ 0010);

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e). **Stromberg** further teaches a step wherein a network interface to couple to a computer network (Fig. 1 and claim 9); and

f). **Stromberg** further teaches the visual browser (§ 0040).

Regarding claims 3, 14, and 25, **Geller et al.** further teaches a step comprising, displaying at least one other product that is not related by a category to the main product (col. 4, lines 60-66).

Regarding claims 4, 15, and 26, **Geller et al.** further teaches a step comprising, assigning a weight bias to each category based upon a predefined importance of the respective category (col. 3 line 64 – col. 4, line 3).

Regarding claims 5, 16, and 27, **Geller et al.** further teaches a step comprising:

- a). determining "like" categories for the main product, a "like" category being a category that the main product is associated with (col. 3 line 64 – col. 4, line 3; col. 7, line 63 – col. 8, line 4);
- b). selecting one of the "like" categories (col. 6, lines 25-33 and abstract); and
- c). randomly selecting the at least one other related product from the selected "like" category (col. 4, lines 60-66).

Regarding claims 6, 17, and 28, **Geller et al.** further teaches a step wherein selecting one of the "like" categories includes utilizing the weight biases for the

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categories in a randomly based selection algorithm to select one of the "like" categories (col. 3 line 64 – col. 4, line 3; col. 7, line 63 – col. 8, line 4).

Regarding claims 7, 18, and 29, **Geller et al.** further teaches a step comprising:

- a). determining "dislike" categories for the main product, a "dislike" category being a category that the main product is not associated with (col. 6, lines 11-15);
- b). selecting one of the "dislike" categories utilizing the weight biases for the categories in a randomly based selection algorithm (col. 5, lines 14-18); and
- c). randomly selecting at least one other product from the selected "dislike" category (col. 6, lines 15-19).

Regarding claims 8, 19, and 30, **Geller et al.** further teaches a step comprising:

- a). selecting a category from the plurality of categories utilizing the weight biases of the categories in a randomly based selection algorithm (col. 4, lines 23-27 and col. 5, lines 40-47); and
- b). randomly selecting a product from the selected category (col. 6, lines 15-19).

Regarding claims 9, 20, and 31, **Geller et al.** further teaches a step comprising:

- a). scoring each product based upon weight biases of "like" categories and

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"dislike" categories, a "like" category being a category that the main product is associated with, a "dislike" category being a category that the main product is not associated with, a weight bias being a predefined value assigned to each respective category to denote the respective category's importance (col. 3, line 64 – col. 4, line 3);

b). creating a "like" score table, the "like" score table including a "like" score for each of the products indicating the relatedness of the product to the main product (col. 5, lines 7-13); and

c). randomly selecting the at least one other related product from the "like" score table using the "like" scores as a weight bias (col. 5, line 64 – col. 6, line 10).

Regarding claims 10, 21, and 32, **Geller et al.** further teaches a step comprising:

a). creating a "dislike" score table, the "dislike" score table including a "dislike" score for each product indicating the unrelatedness of the product to the main product, the "dislike" score table being the transposition of the "like score table" (col. 5, lines 7-13); and

b). randomly selecting at least one other product from the "dislike" score table using the "dislike" scores as a weight bias (col. 5, lines 7-13).

Regarding claims 11, 22, and 33, **Geller et al.** further teaches a step of selecting at least one other product at random from one of the plurality of categories (col. 2, lines 30-32).

Response to Argument

5. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Leslie Wong
Patent Examiner
Art Unit 2177

Lw
October 7, 2003



JEAN P. HOMERE
PRIMARY EXAMINER